



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

GORDON & REES LLP  
101 W BROADWAY  
SUITE 1600  
SAN DIEGO CA 92101

**COPY MAILED**

MAR 07 2005

**OFFICE OF PETITIONS**

|                                |   |             |
|--------------------------------|---|-------------|
| In re Application of           | : |             |
| Oloman, et al.                 | : |             |
| Application No. 09/924,404     | : | ON PETITION |
| Filed: August 7, 2001          | : |             |
| Attorney Docket No. 6510-PA04D | : |             |

This is a decision on the petition filed on February 18, 2005, pursuant to 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed May 5, 2004. This Office action set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were obtained. No proper response having been received, the above-identified application became abandoned on August 6, 2003. A Notice of Abandonment was mailed on January 18, 2005.

On petition, petitioner paid the petition fee and made the proper statement of unintentional delay. In addition, petitioner submitted both an Amendment and a Notice of Appeal. The examiner has determined that the Amendment fails to *prima facie* place the application in condition for allowance. Accordingly, the Notice of Appeal will be entered.

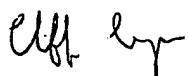
Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$510 extension of time fee submitted with the petition on February 18, 2005 was subsequent to the maximum period obtainable for reply (November 5, 2004), this fee has been refunded to petitioner's Deposit Account No. 50-1990.

In addition, the Terminal Disclaimer filed with the instant petition is not required since the application was not filed prior to June 8, 1995. Therefore, the Terminal Disclaimer has not been accepted and will not be entered, but will remain in the application file. The Terminal Disclaimer fee of \$65 has been refunded to petitioner's deposit account.

**Please be advised that the two month period for filing an appeal brief in triplicate (accompanied by the fee required by 37 CFR 1.17(c)) runs from the date of this decision.**

The application file is being returned to Group Art Unit 1742 to await for applicants' submission of the appeal brief in triplicate.

Telephone inquiries specific to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions